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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/691,822	10/23/2003	Ahmad M. El Hussein	50037.199US01	6329

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EXAMINER

DAGOSTA, STEPHEN M

ART UNIT PAPER NUMBER

2683

DATE MAILED: 01/09/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/691,822	Applicant(s) EL HUSSEINI ET AL.	
	Examiner Stephen M. D'Agosta	Art Unit 2683	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 December 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7 and 9-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 10-19 is/are allowed.
- 6) ☒ Claim(s) 1-5 and 20 is/are rejected.
- 7) ☒ Claim(s) 6,7,9 and 21 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

Applicant's arguments with respect to claims 1-7 and 9-21 have been considered but are moot in view of the new ground(s) of rejection.

1. The applicant has amended the independent claims such that they do not read on Patiejunas US 6,901,357. The double patenting rejection is withdrawn.

2. The amendments to the drawings are acknowledged. Thank you.

3. While the examiner objected to claim 8, as containing novel material, the applicant did not include the other claims upon which it depended when amending (eg. claim 8 depends from claim 7 which depends from claim 5 which depends from claim 1). Hence this amendment is not per the examiner's direction.

4. A new rejection is found below. The claim disposition is as follows:

Claims 1-5 are rejected.

Claims 6-7, 9 and 21 contain novel material.

Claim 8 has been cancelled.

Claims 10-19 are allowed.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-5 and 20 rejected under 35 U.S.C. 103(a) as being unpatentable over Yehushua et al. US 5,504,800 and further in view of Ryzl US 2002/0169591 and Kaliappan et al. US 2004/0205406.

As per **claims 1 and 20**, Yehushua teaches a method for emulating a telephony link to be used in a mobile device (title is automated test set), comprising:
sending a command to an emulation telephony device (see Abstract, figure 1 shows device under test and PAW which is a BTS simulator, C4, L22-35);
translating the command to a network request and modeling an expected response to the network request and sending the expected response (see figures 4 and 5 which show various messages/requests being sent and the expected responses),
but is silent on emulating a telephony driver to test an application to be used in a mobile phone AND commands emanating from an application to the emulation telephony driver AND changing software code associated with the application when the network request is not successful, wherein the software code is changed based on the response.

The primary examiner notes that device drivers are well known in the art and provide the link between software and hardware so that commands are properly executed in hardware. Further, Yehushua's test system would require installation of software in the mobile so that it can communicate with the BTS and/or with a server if the mobile had client software application(s) installed, eg. client/server software.

Lastly The primary examiner puts forth Ryzl, who discloses a module for developing wireless device applications using an integrated emulator (title, abstract and figures 0-10, 12-14 and 20) whereby an application is created via development tools and integrated with an emulator designed to execute in a wireless environment (P#0019 as well as P#0020-#0021). Figure 14 shows editing/compiling/preverification (ST#112-116 and P#0059) of application(s).

Kaliappan teaches automated testing whereby test parameters are changed during the testing procedures, which reads on changing software code depending upon the response data:

[Para. #0118] The present invention's approach overcomes the problem by automating the test case generation. This is based on varying the parameters of the API or the method under

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different combinations. Automated test case generation eases the task of the test engineer significantly. This is achieved by utilizing the test technique specified for the parameter's data type. The test techniques currently supported are Boundary Value Analysis (BVA), Equivalence Partitioning (EP) and Cause Effect Graphing (CEG). The Automated test system also has the provision to add new test techniques AND [Para. #0140] Hence, the test cases can be generated through varying of parameters automated by applying test technique thereby greatly reducing the effort required by the test engineer.

It would have been obvious to one skilled in the art at the time of the invention to modify Yehushua, such that emulating a telephony driver to test an application to be used in a mobile phone AND commands emanating from an application to the emulation telephony driver, to provide means for testing a phone application's interaction with a cellular network prior to shipping the phone to the general public.

As per **claim 2**, Yehushua teaches claim 1, further comprising configuring the ETD such that the ETD simulates features supported by a wireless network (see figures 4-5 which show wireless features such as paging, channel assignment, handoffs, etc.).

As per **claim 3**, Yehushua teaches claim 1, further comprising updating at least one network setting in the ETD based on the network request such that the application to be tested is implemented in the ETD (figures 4-5 show different interactions between Unit under test (UUT) and BTS Simulator (PAW) and updates being supported, eg. figure 5 shows and handoff being performed and handoff ACK which inherently requires the system to change/update channels, and also SYNC messages being sent).

As per **claim 4**, Yehushua teaches claim 1 **but is silent on** further comprising preventing unauthorized testing.

Yehushua discloses the BTS Simulator (PAW) is a processor/computer "such as an INTEL 386 microprocessor-based personal computer" (C4, L49-51). One skilled realizes that most computer operating systems provide means for Login Name and Password protection. Hence the examiner takes **Official Notice** that it is well known in the art for one skilled to password-protect a computer (eg. the PAW machine) to prevent unauthorized access to the system.

It would have been obvious to one skilled in the art at the time of the invention to modify Yehushua, such that comprising preventing unauthorized testing, to provide means for only allowing authorized persons to perform testing.

As per **claim 5**, Yehushua teaches claim 1, further comprising registering a call back address associated with the network request in the ETD (figure 4 shows Paging Messages and Responses being sent, which would include the phone number, eg. call back address, associated with the network requests).

Allowable Subject Matter

- a. Claims 10-19 are allowed.
- b. Claims 6, 7, 9 and 21 objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

These claims recite highly specific details not found, alone or in combination, in the prior art of record.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stephen M. D'Agosta whose telephone number is 571-272-7862. The examiner can normally be reached on M-F, 8am to 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bill Trost can be reached on 571-272-7872. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Stephen D'Agosta
Primary Examiner
12-29-2005

